

1 **JANET TUNG**

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 (HONORABLE JOHN A. HOUSTON)

11 VITALIY KAGANOVICH, )

CASE NO. 07-CV-02403-JAH (AJB)

12 Petitioner, )

**PETITIONER'S NOTICE OF  
VOLUNTARY DISMISSAL OF  
ACTION**

13 v. )

**[Fed. R. Civ. P. 41(a)(1)]**

14 MICHAEL CHERTOFF, et al., )

15 Respondents. )

16 Pursuant to Fed. R. Civ. P. 41(a)(1), petitioner Vitaliy Kaganovich, by and through counsel, Janet  
17 Tung and Federal Defenders of San Diego, Inc., gives notice that he hereby dismisses the above-captioned  
18 action without prejudice. Petitioner was removed sometime in or about March 2008. His petition for a writ  
19 of habeas corpus is now moot.

20 Respectfully submitted,

21  
22 DATED: May 9, 2008

/s/ Janet Tung

**JANET TUNG**

Federal Defenders of San Diego, Inc.

Attorneys for Petitioner VITALIY KAGANOVICH

janet\_tung@fd.org

**CERTIFICATE OF SERVICE**

Counsel for Defendant certifies that the foregoing pleading is true and accurate to the best information and belief, and that a copy of the foregoing document has been caused to be delivered this day upon:

Courtesy Copy Chambers

Copy Assistant U.S. Attorney via ECF NEF

Copy Defendant

Dated: May 9, 2008

/s/ JANET C. TUNG

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